IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

BUCHANAN INGERSOLL & ROONEY PC
A Pennsylvania Corporation
550 Broad Street, Suite 810
Newark, New Jersey 07102
(973) 273-9800
Attorneys for Defendants

JOYCE ROBINSON, Plaintiff, v. CONSOLIDATED RAIL CORPORATION (a Pennsylvania Corporation licensed to do business in New Jersey); NORFOLK SOUTHERN CORP., NORFOLK SOUTHERN RAILROAD CORP., JOHN DOES (1-10), AND ABC CORPORATION (1-10), Defendants.	Civil Action No.: **NOTICE OF REMOVAL**

To: United States District Court
District of New Jersey
M.L. King, Jr. Federal Bldg. & Courthouse
50 Walnut Street
Newark, New Jersey 07102

PLEASE TAKE NOTICE THAT defendants Consolidated Rail Corporation (hereinafter referenced as "Conrail") and Norfolk Southern Railway Co. (incorrectly denominated as "Norfolk Southern Railroad Corp.") and Norfolk Southern Corp. (hereinafter jointly referenced as "Norfolk Southern") (collectively referred to as "defendants") are hereby removing the above-styled action, filed on or about April 4, 2007 in the Superior Court of New Jersey, Law Division, Hudson County, bearing Docket No. HUD-L-001733-07, to this Court pursuant to 28 U.S.C. §1331 et seq. In support of this Notice, defendants say:

1. On or about April 4, 2007, plaintiff filed in the Superior Court of New Jersey, Law Division, Hudson County, a Complaint and Jury Demand. Pursuant to 28 U.S.C. §1446, a true and correct copy of the foregoing is appended hereto as Exhibit A.

2. On or about May 17, 2007, defendant Conrail received by mail a copy of the Complaint at a facility in New Jersey. On or about May 17, 2007, defendant Norfolk Southern Corp. received by mail a copy of the Complaint at its corporate office in Norfolk, Virginia.

3. No defendant has been served with a Summons as required by New Jersey Court Rule 4:4-3.

4. Plaintiff's Complaint should be removed to this Court because the claims therein unquestionably arise under federal law; in particular, Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000 et seq. (Count Nine).

5. Plaintiff's Complaint asserts claims arising under the laws of the United States. As such, it may properly be removed to this Court pursuant to 28 U.S.C. §1441(b).

6. Defendants Consolidated Rail Corporation, Norfolk Southern Corp., and Norfolk Southern Railway Co. join in this removal. Defendants reserve all defenses to the Complaint. Defendants specifically reserve their rights to challenge sufficiency of process and/or sufficiency of service of process and propriety of venue.

7. Pursuant to Local Civil Rule 5.2, and this District's Electronic Case Filing Policies and Procedures, as amended October 1, 2006, this pleading is being filed electronically via CM/ECF.

8. Copies of this Notice of Removal shall forthwith be served upon plaintiff and the Clerk of the Superior Court of New Jersey, Law Division, Hudson County, from which this matter is removed.

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WHEREFORE, defendants pray that this action proceed in this Court as an action properly removed hereto.

BUCHANAN INGERSOLL & ROONEY PC

/s/ Christopher J. Dalton
Christopher J. Dalton
550 Broad Street, Suite 810
Newark, New Jersey 07102
Attorneys for Defendants

Dated: June 8, 2007

CERTIFICATE OF SERVICE

On this date, I caused copies of the foregoing Notice of Removal to be served by overnight delivery upon:

Richard S. Mazawey, Esq.
1135 Broad Street, Suite 211
Clifton, New Jersey 07103
Attorney for Plaintiff

and

Clerk, Superior Court of New Jersey
Law Division – Hudson County
Hudson County Administration Building
595 Newark Avenue, Room G-9
Jersey City, New Jersey 07306

/s/ Christopher J. Dalton
Christopher J. Dalton

Newark, New Jersey
June 8, 2007

EXHIBIT A

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2K

RECEIVED #8
APR 04 2007
SUPERIOR COURT OF N.J.
FEE OFFICE
COUNTY OF HUDSON

FILED
TEAM #1
APR 04 2007
SUPERIOR COURT OF NJ
COUNTY OF HUDSON
CIVIL DIVISION #7

RICHARD S. MAZAWEY, ESQ.
1135 Broad Street, Suite 211
Clifton, New Jersey 07013
Attorney for Plaintiff
(973) 777-6401

JOYCE ROBINSON, plaintiff	SUPERIOR COURT OF NEW JERSEY LAW DIVISION- HUDSON COUNTY
	DOCKET NO: Hud. L-1733-07
v.	CIVIL ACTION
CONSOLIDATED RAIL CORPORATION (a Pennsylvania Corporation licensed to do Business in New Jersey), NORFOLK SOUTHERN CORP., NORFOLK SOUTHERN RAILROAD CORP., JOHN DOES (1-10) AND ABC CORPORATION (1-10) Defendant.	**Complaint and Jury Demand**

BATCH # 839
REC'D 4-4-07
C 4814
AMT 200.-
FAVOR

Joyce Robinson, Plaintiff, of 1835 Briggs Street, Harrisburg, Pennsylvania, 17103, by way of complaint against defendant says as follows:

FIRST COUNT (FELA)

1. This action arises under the Federal Employers' Liability Act, 45 U.S.C. 51 et. Seq.
2. At all relevant times, Defendants, Consolidated Rail Corporation, Norfolk Southern Corp. and Norfolk Southern Railroad Corp. (hereinafter collectively referred to as "Norfolk") owned and operated railroads in interstate commerce, are subject to the Federal Employers Liability Act, 45 U.S.C. 51 et. Seq., and had a duty to maintain a safe workplace for Plaintiff.

3. During all times herein mentioned, Plaintiff was employed by defendants: her duties for this railroad were in the furtherance of interstate commerce.

4. Plaintiff began working for defendants in 1977, as a block operator. In 1980, she became a clerk, and finally, in 1994, she became a locomotive engineer, operating diesel electric locomotives and freight trains throughout New Jersey, Pennsylvania, Maryland and Delaware.

5. Defendants have more than sufficient contacts with New Jersey, as they own and operate rail yards, tracks, and rail operations throughout the state.

6. Plaintiff alleges that her injuries arose out of the dangerous and hazardous work place conditions which existed throughout her employment with Norfolk, whose supervisors knew or had reason to know, or should have known of the dangerous and hazardous types of conditions that the Plaintiff was being subjected to while under the employment of said railroad.

7. Defendants knew with reasonable certainty that it was subjecting the Plaintiff to perform her job in an unsafe environment, and that it would cause the Plaintiff to suffer severe and permanent injuries including but not limited to psychological damage.

8. Defendant Norfolk, its agents, servants, employees, and independent contractors, discriminated against Plaintiff based on her race and gender as an African American female.

9. On or about August-November of 1997, while plaintiff was working the ML420, she was 10 minutes late. Her supervisor, Mr. Morris verbally attacked and harassed plaintiff for this incident. Other white and male employees would show

up even later, and Mr. Morris would not have a problem with it and even would joke with them. When plaintiff exited the room on this date, Mr. Morris called plaintiff a "nigger bitch".

10. On August 19, 2001, plaintiff was sent home for failure to wear required footwear while performing service as Engineer on Train 501 near Abrams Yard. Plaintiff was sent home even though she had changed her boots, and therefore lost one day pay and an investigation was started. Her co-worker Paul Snyder, a white male engineer only received a letter of non-compliance for not wearing the required footwear.

11. Plaintiff received notice that she was being placed in the System Teamwork and Responsibility Training program, or START, which is Norfolk's disciplinary program, for not wearing safety glasses on July 16, 2003. A co-worker, Richard Hiebach, received a letter of non-compliance for the same infraction, and the same was always done for all of plaintiff's white male counterparts.

12. On July 24, 2003, plaintiff was to arrive at work at 1:20PM, as was plaintiff's conductor Ray Gatto. Plaintiff arrived at 1:40 and Mr. Gatto at 1:30. Plaintiff was written up for being late and Mr. Gatto was not admonished.

13. On August 5, 2003, plaintiff's car was vandalized in the Harrisburg, Pennsylvania yard. The headlights were smashed in and the hood of the car had a large dent in it.

14. On March 9, 2004, plaintiff saw a flyer on the bulletin board stating "railroad books for sale". When plaintiff looked at the flyer, she noticed intimidating

remarks on the flyer about her. One of the messages had racially motivated statement written about plaintiff.

15. On March 19, 2004, after returning from a trip to Hagerstown, Maryland, plaintiff found her car vandalized in the Harrisburg, Pennsylvania yard. The car had deep carvings of "KKK" and "white power" on both doors and the roof had been struck with some object.

16. Also, during the course of her employment with Norfolk, Plaintiff was repeatedly not allowed to use the ladies bathroom. Plaintiff would be told that nobody had the key to open the door and would be forced to use the men's bathroom or go off site to use the facilities.

WHEREFORE, Plaintiff demands judgment against defendants for damages, along with interest, attorney's fees, costs of suit, and any other relief the Court deems fair.

COUNT TWO (HOSTILE WORK ENVIRONMENT)

1. Plaintiff repeats and reiterates the allegations contained in the first count as if same were set forth at length herein.

2. Defendant Norfolk created and allowed a hostile work environment which caused damages to Plaintiff.

3. In 1997, while training on Amtrak at the Wilmington, Delaware station, an engineer pulled the engine away as plaintiff was holding onto the rail of the locomotive, and plaintiff injured her shoulder. This action was undertaken in a mean and hateful manner.

4. On July 18, 2003, plaintiff observed two men in the bushes watching her. It ended up being two of her supervisors with binoculars spying on her. This incident made her feel quite uncomfortable at the workplace.

5. On August 5, 2003, plaintiff found her car vandalized, with the left head light broken and the hood bent.

6. These instances, along with the incidents of racial and gender discrimination described above, created a hostile work environment that caused great distress and damages to plaintiff.

WHEREFORE, plaintiff requests judgment against the defendants for damages including but not limited to: (a) back pay, (b) remuneration inclusive of humiliation and emotional distress damages, (c) payment by Defendants of reasonable costs and attorney's fees of plaintiff.

COUNT THREE (WRONGFUL DISCHARGE)

1. Plaintiff repeats and reiterates the allegations contained in the first and second counts as if same were set forth at length herein.

2. On July 15, 2004, plaintiff was terminated without notice.

3. On July 17, 2004, plaintiff received a letter of termination from defendant stating she had run through a switch. The switch was not operative at the time of the incident.

4. Termination of plaintiff was selective enforcement by defendant, as was the case with many of the disciplinary actions against plaintiff during the course of her employment with defendant.

5. Therefore, plaintiff was wrongfully discharged by defendant.

WHEREFORE, plaintiff requests judgment against the defendants for damages including but not limited to: (a) back pay, (b) remuneration inclusive of humiliation and emotional distress damages,(c) reinstatement to position held at the time of the wrongful termination (d) payment by Defendants of reasonable costs and attorney's fees of plaintiff.

COUNT FOUR (Breach of Contract)

1. Plaintiff repeats and reiterates the allegations contained in the first, second and third counts as if same were set forth at length herein.

2. Plaintiff had an employment contract with Norfolk, entered into when employment began.

3. Defendant Norfolk breached this contract when they wrongfully discharged her without cause on July 15, 2004

4. There was never any evidence of wrongdoing on the part of Plaintiff, in spite of Defendants' accusations.

5. As a direct and proximate result of defendants' breach of the contract referenced above, Plaintiff sustained substantial damages.

WHEREFORE, plaintiff requests judgment against the defendants for damages including but not limited to: (a) back pay, (b) remuneration inclusive of humiliation and emotional distress damages,(c) reinstatement to position held at the time of the wrongful termination (d) payment by Defendants of reasonable costs and attorney's fees of plaintiff.

COUNT FIVE (Breach of Implied Duty to Act in Good Faith and With Fair Dealing

1. Plaintiff repeats and reiterates the allegations contained in the first, second, third and fourth counts as if same were set forth at length herein.

2. The Plaintiff's employment contract has implied in law a covenant of good faith and fair dealing by which defendant, Norfolk, promised to give full cooperation to the plaintiff in his performance under the employment relationship and to refrain from any act that would prevent or impede the plaintiff from performing all of the conditions of his employment.

3. Defendants' breached their duty to act in good faith and with fair dealing with the Plaintiff by not performing and enforcing all the rules, regulations, laws, customs, and practices in connection with the employment contract with Plaintiff within the scope of their duty.

WHEREFORE, plaintiff requests judgment against the defendants for damages including but not limited to: (a) back pay, (b) remuneration inclusive of humiliation and

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emotional distress damages.(c) reinstatement to position held at the time of the wrongful termination (d) payment by Defendants of reasonable costs and attorney's fees of plaintiff.

COUNT SIX (Intentional Infliction of Emotional Distress)

1. Plaintiff repeats and reiterates the allegations contained in the first, second, third, fourth, and fifth counts as if same were set forth at length herein.
2. Defendant's intentionally outrageous conduct described above, caused plaintiff severe and extreme emotional distress.

WHEREFORE, plaintiff requests judgment against the defendants for damages including but not limited to: (a) back pay. (b) remuneration inclusive of humiliation and emotional distress damages.(c) reinstatement to position held at the time of the wrongful termination (d) payment by Defendants of reasonable costs and attorney's fees of plaintiff.

COUNT SEVEN (Negligent Infliction of Emotional Distress)

1. Plaintiff repeats and reiterates the allegations contained in the first, second, third, fourth, fifth and sixth counts as if same were set forth at length herein.
2. Defendant's negligent conduct, described above, caused the plaintiff severe and serious emotional distress.

WHEREFORE, plaintiff requests judgment against the defendants for damages including but not limited to: (a) back pay, (b) remuneration inclusive of humiliation and emotional distress damages.(c) reinstatement to position held at the time of the wrongful termination (d) payment by Defendants of reasonable costs and attorney's fees of plaintiff.

COUNT EIGHT

1. Plaintiff reiterates each and every allegation contained in the first, second, third, fourth, fifth, sixth, and seventh counts as though full set forth at length herein verbatim.

2. All of the above mentioned instances constitute unlawful discrimination based on plaintiff's race and gender.

8. The defendant's actions were violative of New Jersey Law, N.J.S.A. 10:5-1, et seq.

WHEREFORE, plaintiff requests judgment against the defendant for:

(a) back pay;

(b) front pay;

(c) lost benefits;

(d) compensatory damages for humiliation, mental anguish and other pain and suffering;

(e) punitive damages;

(f) attorneys fees in accordance with N.J.S.A. 10:5-27.1;

(g) interest and costs of suit;

(h) any other such relief as the Court deems equitable and just.

COUNT NINE

1. Plaintiff reiterates each and every allegation contained in the first, second, third, fourth, fifth, sixth, seventh, and eighth counts as though full set forth at length herein verbatim.

2. Defendants' conduct, described above, is also violative of 42 U.S.C. §2000(e)(2).

WHEREFORE, plaintiff requests judgment against the defendants for damages including but not limited to: (a) back pay, (b) remuneration inclusive of humiliation and emotional distress damages, (c) payment by Defendants of reasonable costs and attorney's fees of plaintiff.

COUNT TEN

1. Plaintiff reiterates each and every allegation contained in the first, second, third, fourth, fifth, sixth, seventh, eighth and ninth counts as though full set forth at length herein verbatim.

2. At all times herein mentioned JOHN DOE 1-10 (said names being fictitious).

3. The defendants jointly, severally and collectively, discriminated against Plaintiff, created a hostile work environment, wrongfully discharged plaintiff, breached its contract with plaintiff, breached their duty of good faith and fair dealing with the plaintiff, and both intentionally and negligently inflicted emotional distress upon plaintiff.

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4. As a direct and proximate result of the intentional and baseless harassment by the defendants above described, the plaintiff has suffered injury, mental anguish, disruption of the pursuit of his daily activities, and a deprivation of his ordinary enjoyment of life.

WHEREFORE, plaintiff. demands judgment against the defendant John Doe 1-10 (said name being fictitious). individually, jointly, severally, and in the alternative for damages, together with lawful interest and costs of suit.

COUNT ELEVEN

1. Plaintiff reiterates each and every allegation contained in the first, second, third, forth, fifth, sixth, seventh, eighth, ninth, and tenth counts as though fully set forth at length herein verbatim.

2. At all times herein mentioned ABC CORPORATION 1-10 (said names being fictitious).

3. The defendants jointly, severally and collectively, discriminated against Plaintiff, created a hostile work environment, wrongfully discharged plaintiff, breached its contract with plaintiff, breached their duty of good faith and fair dealing with the plaintiff, and both intentionally and negligently inflicted emotional distress upon plaintiff.

4. As a direct and proximate result of the intentional and baseless harassment by the defendants above described, the plaintiff has suffered injury, mental anguish, disruption of the pursuit of his daily activities, and a deprivation of his ordinary enjoyment of life.

WHEREFORE, plaintiff, demands judgment against the defendant ABC CORPORATION 1-10 (said name being fictitious), individually, jointly, severally, and in the alternative for damages, together with lawful interest and costs of suit.

Dated: March 28, 2007

RICHARD S. MAZAWEY, ESQ.

CERTIFICATION PURSUANT TO RULE 4:5-1

I hereby certify that the matter in controversy is not the subject of any other action pending in any Court.

Dated: March 28, 2007

RICHARD S. MAZAWEY, ESQ.

DESIGNATION OF TRIAL COUNSEL

Pursuant to Rule 4:25-4 Richard S. Mazawey, Esq., is hereby designated as trial counsel.

Dated: March 28, 2007

RICHARD S. MAZAWEY, ESQ.

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JURY DEMAND

Plaintiff hereby demands a trial by jury on all issues so triable.

Dated: March 28, 2007

RICHARD S. MAZAWEY, ESQ.
Attorney for Plaintiff